

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

S.B. CIVIL REVISION PETITION NO.151/06

Bal Krishan Tiwari

Vs.

The Urban Co-operative Bank Limited & Anr.

DATE OF ORDER :: 20/11/2006

HON'BLE MR. JUSTICE AJAY RASTOGI

Miss Snehlata Sharma on behalf of Mr. Prem Krishna Sharma, for petitioner

Instant revision petition has been filed assailing the order of the learned Additional District Judge dated 8th February, 2006 whereby the order of the Prescribed Authority under the Payment of Wages Act dated 31st December, 1998 has been set aside.

Petitioner initially filed application u/s.15 (2) of the Payment of Wages Act before the Prescribed Authority for his due wages for a period effective from 26th May, 1992 to 30th November, 1992 @ Rs.840/- per month which the respondent has denied without any reasonable cause. The Prescribed Authority vide order dated 31st December, 1998 allowed his application and also apart from due wages granted two times compensation to the petitioner being due to him which was challenged by the respondent Bank by filing appeal before the learned Appellate Judge. The learned Appellate Judge

while examining the material on record and taking note of document Ex.M9 wherein on receiving the payment for a sum of Rs.2520/- it was specifically mentioned by the petitioner that he has received full and final payment in relation to his contract period and there is no due and outstanding amount payable to him. Taking note of the same learned First Appellate Court allowed the appeal and rejected the order of the Prescribed Authority dated 31.12.1998. Hence, this revision petition.

Counsel for petitioner vehemently contends that the Prescribed Authority under the Payment Wages Act has taken note of entire material and thereafter, arrived to a conclusion that wages for the period as referred to supra was due and payable to him and taking note of the fact that without any reasonable justification the same was denied to him and the learned First Appellate Court has not taken note of the material and in fact has misread the document Ex.M9 on which the reliance was placed for accepting the appeal preferred by the respondent.

I have considered the submission of the counsel and perused the order impugned of the learned First Appellate Court dated 8th February, 2006.

This fact remain undisputed that the petitioner approached the Prescribed Authority for release of his wages for the period from 26th May, 1992 to 30th November, 1992 and actual wages were for a tune of Rs.5208/- and the letter of which reference has been made by the learned Appellate Court in its Para 16

of the order, (Ex.M9) clearly depicts that on 19th June, 1993 he had received his payment for a sum of Rs.2520/- in full and final payment of his contract for doing pending work in the Urban Co-operative Bank and he had stated that there is no other claim due against the Bank for the work undertaken by him at Adarsh Nagar Branch, Jaipur. It has not been disputed by the counsel for petitioner that letter was not written by the petitioner of which reference has been made and was taken note of by the learned First Appellate Court in the order impugned.

I do not find any error in the finding recorded by the learned First Appellate Court while passing the order impugned.

Consequently, the revision petition fails and is hereby dismissed.

[AJAY RASTOGI], J.

FRBOHRA, JR.P.A.